

FORTY-NINTH DAY

(Tuesday, April 13, 1965)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Reports of Standing Committees

Senator Ratliff submitted the following reports:

Austin, Texas,
April 13, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 504, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RATLIFF, Chairman.

Austin, Texas,
April 13, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 534, have had the same under consideration, and I am instructed to report it back to the

Senate with the recommendation that it do pass, and be printed.

RATLIFF, Chairman.

Senator Moore submitted the following report:

Austin, Texas,
April 13, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. C. R. No. 42, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

MOORE, Chairman.

Message from the House

Hall of the House of Representatives
Austin, Texas,
April 13, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 82, Pertaining to the retention of the permanently organized Army Reserve divisions in Texas.

H. B. No. 389, A bill to be entitled "An Act amending Section 6 of House Bill 13, Chapter 160, 58th Legislature, Regular Session, 1963, codified as Article 970a, Vernon's Annotated Civil Statutes, cited as the Municipal Annexation Act, by adding a provision for giving additional mailed notice to railroad companies in annexation proceedings; and declaring an emergency."

H. B. No. 405, A bill to be entitled "An Act creating the County Court at Law No. 3 of El Paso County, Texas; providing for its jurisdiction, terms, personnel, administration, and procedures, renaming the El Paso County Court at Law; and declaring an emergency."

H. B. No. 412, A bill to be entitled "An Act relating to the abolishing of the office of county superintendent in certain counties; and declaring an emergency."

S. C. R. No. 27, Granting Eldridge Jarrell permission to sue the State in Delta County, Texas, etc.

S. C. R. No. 44, Memorializing the Congress of the United States to establish, in West Texas, the Guadalupe Mountains National Park, etc.

S. C. R. No. 18, Granting Dr. William Lansford permission to sue the State of Texas.

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk, House of Representatives

Senate Bill 509 on First Reading

The following local bill was introduced, read first time and referred to the Committee indicated:

By Senator Rogers:

S. B. No. 509, A bill to be entitled "An Act validating Hall and Donley Counties Water Control and Improvement District Number One; validating the boundaries of said District; validating all actions, orders, or other proceedings in connection with its creation, organization and operation; validating all actions, orders or other proceedings relating to the calling, conducting and declaring the results of any confirmation election; validating all actions in authorizing the levy, assessment and collection of taxes and in adopting tax rolls; validating the appointment or election of directors and prescribing their terms; providing that bonds of the District shall be authorized investments and eligible to secure deposits of public funds in certain instances; providing for the ad valorem plan of taxation and that no hearing on exclusions shall be necessary; declaring all included land and property shall be benefited; declaring the district essential; enacting provisions incident and related to the subject; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Bills Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills:

S. B. No. 284, A bill to be entitled "An Act authorizing the Board of Regents of The University of Texas to acquire by donation or deed of gift from The Texas Medical Center in Houston for the use and benefit of The University of Texas M. D. Anderson Hospital and Tumor Institute, The University of Texas Dental

Branch, The University of Texas Graduate School of Bio-medical Sciences at Houston, or such other branch or unit of The University of Texas System as may be established by the Legislature in Houston, certain properties in the City of Houston, Harris County, Texas; and declaring an emergency."

S. B. No. 289, A bill to be entitled "An Act relating to compensation and reimbursement of expenses of members of the Texas Animal Health Commission; amending Article 7009, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

S. B. No. 179, A bill to be entitled "An Act amending Section 4 of Chapter 435, Acts of the 50th Legislature, 1947 (codified as Article 4101-2, Vernon's R.C.S.), transferring all powers and duties of the Texas Council of Migrant Labor to the Good Neighbor Commission; repealing the provisions of Chapter 417, Page 1255, Acts of the 55th Legislature, 1957 (codified in Vernon's as Article 5221e, Vernon's R.C.S.), and all other laws or parts of laws in conflict with the provisions of this Act; providing an effective date; providing a severability clause; and declaring an emergency."

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 232, To the Committee on Water and Conservation.

H. B. No. 431, To the Committee on Counties, Cities and Towns.

H. B. No. 311, To the Committee on Counties, Cities and Towns.

H. B. No. 595, To the Committee on Counties, Cities and Towns.

H. B. No. 432, To the Committee on Counties, Cities and Towns.

H. B. No. 430, To the Committee on Insurance.

H. B. No. 385, To the Committee on Counties, Cities and Towns.

H. B. No. 158, To the Committee on Game and Fish.

H. B. No. 1055, To the Committee on State Affairs.	H. B. No. 531, To the Committee on Jurisprudence.
H. B. No. 1040, To the Committee on State Affairs.	H. B. No. 519, To the Committee on Public Health.
H. B. No. 911, To the Committee on Game and Fish.	H. B. No. 509, To the Committee on Game and Fish.
H. B. No. 868, To the Committee on Water and Conservation.	H. B. No. 505, To the Committee on State Affairs.
H. B. No. 865, To the Committee on Water and Conservation.	H. B. No. 498, To the Committee on Oil and Gas.
H. B. No. 849, To the Committee on Counties, Cities and Towns.	H. B. No. 494, To the Committee on Finance.
H. B. No. 831, To the Committee on Counties, Cities and Towns.	H. B. No. 479, To the Committee on Education.
H. B. No. 822, To the Committee on Education.	H. B. No. 471, To the Committee on Insurance.
H. B. No. 818, To the Committee on Game and Fish.	H. B. No. 466, To the Committee on State Affairs.
H. B. No. 775, To the Committee on Counties, Cities and Towns.	H. B. No. 456, To the Committee on Counties, Cities and Towns.
H. B. No. 771, To the Committee on Counties, Cities and Towns.	H. B. No. 450, To the Committee on Jurisprudence.
H. B. No. 748, To the Committee on Education.	H. B. No. 423, To the Committee on Jurisprudence.
H. B. No. 741, To the Committee on Counties, Cities and Towns.	H. B. No. 421, To the Committee on Jurisprudence.
H. B. No. 740, To the Committee on Game and Fish.	H. B. No. 416, To the Committee on Game and Fish.
H. B. No. 728, To the Committee on Water and Conservation.	H. B. No. 409, To the Committee on Counties, Cities and Towns.
H. B. No. 725, To the Committee on Education.	H. B. No. 401, To the Committee on Jurisprudence.
H. B. No. 709, To the Committee on Agriculture and Livestock.	H. B. No. 392, To the Committee on Public Health.
H. B. No. 692, To the Committee on State Affairs.	H. B. No. 361, To the Committee on Transportation.
H. B. No. 637, To the Committee on Jurisprudence.	H. B. No. 354, To the Committee on Counties, Cities and Towns.
H. B. No. 627, To the Committee on Counties, Cities and Towns.	H. B. No. 327, To the Committee on Game and Fish.
H. B. No. 594, To the Committee on Counties, Cities and Towns.	H. B. No. 326, To the Committee on Game and Fish.
H. B. No. 570, To the Committee on State Affairs.	H. B. No. 319, To the Committee on State Affairs.
H. B. No. 567, To the Committee on State Affairs.	H. B. No. 278, To the Committee on Counties, Cities and Towns.
H. B. No. 540, To the Committee on Water and Conservation.	H. B. No. 273, To the Committee on State Affairs.

H. B. No. 224, To the Committee on Jurisprudence.

H. B. No. 203, To the Committee on Counties, Cities and Towns.

H. B. No. 200, To the Committee on Game and Fish.

H. B. No. 199, To the Committee on Game and Fish.

H. B. No. 193, To the Committee on Jurisprudence.

Senate Bill 510 on First Reading

Senator Spears moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Herring	Strong
Hightower	Watson
Kazen	Word

Absent

Hazlewood

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Spears:

S. B. No. 510, A bill to be entitled "An Act empowering cities and towns to build, purchase, improve, enlarge and repair, to mortgage and encumber their swimming pools and the gross income and revenues thereof, either or both, to evidence the obligation thereof by the issuance of its revenue bonds; making the provisions of Chapter 10 of Title 28, Revised Civil Statutes of Texas, 1925; as amended, applicable to such bonds, except as modified by this Act; providing for the approval of such bonds

by the Attornel General of Texas and their registration by the Comptroller of Public Accounts and prescribing the effect thereof; providing the bonds shall be lawful investments for certain purposes and may secure certain funds; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Report of Standing Committee

Senator Parkhouse submitted the following report:

Austin, Texas,
April 18, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation to which was referred H. B. No. 232, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Senate Bill 511 on First Reading

The following local bill was introduced, read first time and referred to the Committee indicated:

By Senator Herring:

S. B. No. 511, A bill to be entitled "An Act relating to participation in the Firemen's Relief and Retirement Fund in certain cities; amending Subsection (c), Section 10D, Chapter 125, Acts of the 45th Legislature, Regular Session, 1937, as last amended; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Senate Bill 512 on First Reading

Senator Herring moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Cole
Bates	Colson
Blanchard	Creighton
Calhoun	Crump

Dies	Patman
Hall	Ratliff
Hardeman	Reagan
Harrington	Richter
Hazlewood	Rogers
Herring	Schwartz
Hightower	Snelson
Kazen	Spears
Kennard	Strong
Krueger	Watson
Moore	Word
Parkhouse	

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Herring:

S. B. No. 512, A bill to be entitled "An Act amending Section 20, Chapter 404, Acts of the 45th Legislature, Regular Session, 1937, as amended, relating to the exemption of certain persons from regulation as an engineer; and declaring an emergency."

To the Committee on Jurisprudence.

Reports of Standing Committees

Senator Ratliff submitted the following reports:

Austin, Texas,
April 13, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns to which was referred H. B. No. 431, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended, and be printed.

RATLIFF, Chairman.

Austin, Texas,
April 13, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns to which was referred H. B. No. 775, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
April 13, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns to which was

referred H. B. No. 831, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
April 13, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns to which was referred H. B. No. 116, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
April 13, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns to which was referred H. B. No. 662, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
April 13, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns to which was referred H. B. No. 719, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
April 13, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns to whom was referred H. B. No. 385, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass, and be printed.

RATLIFF, Chairman.

C. S. H. B. No. 385 was read the first time.

Senator Hall submitted the following reports:

Austin, Texas,
April 12, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Transportation, to which was referred S. B. No. 470, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,
April 12, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Transportation, to which was referred H. B. No. 604, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

HALL, Chairman.

C. S. H. B. No. 604 was read the first time.

Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolutions:

H. C. R. No. 76, In memory of the Honorable Roscoe Conklin Runge.

H. C. R. No. 77, In memory of Norman E. Coward.

H. C. R. No. 84, Congratulating W. R. Beaumier of Lufkin, Texas, for receiving the Distinguished Service Award.

Senate Concurrent Resolution 71

Senator Harrington offered the following resolution:

By Senators Harrington and Cole:

S. C. R. No. 71, Requesting the Texas Legislative Council to make a comprehensive study of methods for protecting buildings and fixtures at state-supported institutions of higher education against various types of loss.

Whereas, The buildings and fixtures on the grounds of the state-supported institutions of higher education of Texas represent an extremely sizable and continuously growing investment of imprecisely calculated present value; and

Whereas, These buildings and fixtures are essential to the proper and efficient discharge of the state's responsibilities with respect to higher education; and

Whereas, The uninsured loss of any of these buildings or fixtures tends to greatly handicap and inconvenience educational processes at a state-supported institution of higher education and is patently inimical to the objective of achieving excellence in higher education; and

Whereas, The lack of a comprehensive and adequate plan for protecting the state against the damage or loss of these buildings and fixtures is inconsistent with sound business practice, and assures neither the public's convenience nor the most economical utilization of the public investment in these buildings and fixtures; and

Whereas, Preliminary data gathered from a number of public sources, including the State Auditor and controllers of state-supported institutions of higher education, indicate that adequate and necessary protection of these buildings and fixtures might best be attained through the creation of a state self-insurance fund, and that the creation, administration and maintenance of a state self-insurance fund for buildings and fixtures at state-supported institutions of higher education would be both feasible and economical; now, therefore, be it

Resolved, By the Senate of the 59th Legislature of the State of Texas, the House of Representatives concurring, That the Texas Legislative Council be requested to make a comprehensive study of methods for protecting buildings and fixtures at state-supported institutions of higher education against various types of loss; to formulate estimates of the actual present value and replacement value of these buildings and facilities; to consider the feasibility of establishing a state self-insurance fund for buildings and fixtures at state-supported institutions of higher education, including comprehensive and detailed consideration of specific matters such as the financing and administering of the self-insurance fund; and to gather,

consider, and evaluate any additional information determined by the Council to be relevant to a complete and adequate study of the feasibility of using a state self-insurance fund, including, if practical or necessary, information relating to state-owned buildings and facilities other than those located at state-supported institutions of higher education; and, be it further

Resolved, That the State Auditor, comptrollers of and other personnel (including those serving in either administrative or teaching capacities) at state-supported institutions of higher education, governing boards of particular institutions of higher education or central governing boards for various institutions of higher education, the Board of Control, the State Building Commission, the State Board of Insurance, and all other state agencies capable of assisting in the study in any way be instructed to provide information requested by the Council and to cooperate with the Council in the conduct of this study; and, be it further

Resolved, That the Council reports its findings and recommendations, together with drafts of such legislation as it may deem desirable, to the Regular Session of the 60th Legislature.

HARRINGTON
COLE

The resolution was read.

Senator Harrington asked unanimous consent to consider the resolution immediately.

Senator Hardeman moved that the resolution be referred to the Committee on State Affairs.

The motion prevailed.

Senate Concurrent Resolution 72

Senator Herring offered the following resolution:

S. C. R. No. 72, Authorizing half-day holiday for State Employees on Good Friday, April 16, 1965.

Whereas, Friday, the sixteenth of April, 1965, is Good Friday, a Holy Day for Christians of all denominations; and

Whereas, Religious services are being held in churches throughout the State in observance of this day; and

Whereas, It is proper and desirable

that State employees be afforded the opportunity of participating in the religious services of their faith on this occasion; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that all State departments and institutions be closed for a half day, emergency services excepted, beginning at twelve o'clock noon, on Friday, April 16, 1965.

The resolution was read.

On motion of Senator Herring and by unanimous consent the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 73

Senator Crump offered the following resolution:

S. C. R. No. 73, Granting Trotti & Thompson, Inc., et al., permission to sue the State of Texas.

Whereas, Trotti & Thompson, Inc., as prime contractors, entered into a contract with the Texas Highway Department under contract (project) U1052(55) Control 508-4-24 to construct a portion of State Highway 73 in Jefferson County, Texas, and entered into other contracts with the Texas Highway Department identified as Project US1281(8), Project US 12851 and Project US1052(56) for the construction of a portion of highways in Jefferson County, Texas; and

Whereas, The said prime contractor, Trotti & Thompson, Inc., and Flenniken Construction Company, the subcontractor, have filed claims with the Texas Highway Department for the payment of additional monies in connection with such contracts on the grounds that the Texas Highway Department misconstrued and misapplied the provisions of said contracts which such action of the Highway Department is claimed to be arbitrary and capricious and resulting in additional burdens being imposed upon the contractors not contemplated by the contract and increasing the costs and expenses of the contractors and for the further grounds that the Texas Highway Department, its agents and officials, improperly and arbitrarily misapplied the specifications and standards applicable to such jobs and contracts, which said claims have been rejected by the Texas Highway Department; and

Whereas, Trotti and Thompson, Inc. and Flenniken Construction Company desire to enter suit against the State of Texas to recover their damages under said contract; and now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That Trotti and Thompson, Inc. and Flenniken Construction Company, be and they are each jointly and severally granted permission to bring and maintain suit against the State of Texas, including the Texas Highway Department in the District Court of Travis County, or in such other courts as may have jurisdiction under the general laws of the State of Texas, to recover judgment in such amount as may determine by court or jury; and, be it further

Resolved, That the sole purpose of this resolution is to grant permission to the aforesaid parties to maintain suit against the State and any instrumentality thereof and no admission of liabilities intended to be evidenced by this resolution and the parties described above shall be required to approve all essential facts as any other similar cases and either party may appeal from any judgment entered in the event such suit is instituted in accordance with the Rules and Laws of Civil Procedure for such litigation; and, be it further

Resolved, That nothing herein shall be construed as a waiver of any defenses, of fact as well as law, that may be asserted by or available to the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in said suit, but all such defenses are hereby specifically reserved.

The resolution was read and was referred to the Committee on Jurisprudence.

Report of Standing Committee

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,
April 13, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 540, have had the

same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PARKHOUSE, Chairman.

Senate Resolution 471

Senator Patman offered the following resolution:

Whereas, On April 14, 1965, five sisters will join one Chapter of The Daughters of the Republic of Texas at the same time; and

Whereas, This is a history making event for the Clara Driscoll Chapter of Rockport, Texas, as well as for the Daughters of the Republic of Texas; now, therefore, be it

Resolved, by the Senate of Texas, To commend Mrs. Harry Zavisch, Jr., of McMullen County; Mrs. H. F. Adrian, of Refugio; Mrs. B. B. Hale of Aransas Pass; Mrs. M. L. Campbell of Corpus Christi; and Mrs. J. J. Head of Huntsville, for bringing this recognition to The Daughters of the Republic of Texas, and that a copy of this Resolution be forwarded to them under the Seal of the Senate of Texas.

The resolution was read and was adopted.

Senate Resolution 472

Senator Hardeman offered the following resolution:

Whereas, A century ago, on April 9, 1865, one of the greatest dramas in the history of America was unfolded as the Army of Northern Virginia, Confederate States of America, was surrendered by General Robert E. Lee to Lieutenant-General U. S. Grant in a small private residence at Appomattox Courthouse, Virginia, and the rights of the States guaranteed by the Tenth Amendment to the Constitution of the United States were, in fact, abolished; and

Whereas, The final surrender came almost as an anti-climax to eight days of chaos when General Lee's army, on April 2, outnumbered three to one, abandoned the breastworks at Petersburg and began its fighting retreat over the 85 miles to Appomattox Courthouse, while the Capital City of Richmond, defended only by convalescent remnants of Confederate

troops, was pillaged and looted by mobs of both sexes and colors; and

Whereas, The end to four years of civil war, which tore the nation, slaughtered 617,000 Americans, and gave birth to modern warfare, was signaled when President Abraham Lincoln telegraphed General Grant: "Gen. Sheridan says 'If the thing be pressed I think that Lee will surrender.' Let the thing be pressed."; and

Whereas, The President of the United States, with his wife, left his headquarters at City Point and boarded the steamer Malvern for the trip up the James River to Richmond, but the ship ran aground, and President Lincoln was forced to continue his journey to the captured Confederate capital on a barge, towed by a tug; and

Whereas, Confederate General John B. Gordon formed his attack about a half mile from the courthouse at Appomattox, and the sharp skirmish of the fire grew into a furious heavy volume of musketry; and as the sun drove away the mists of that Sunday morning, it looked upon a scene to become a thrill to southern hearts forevermore: "In a steady line, sustained on the left by artillery, which flamed forth at every step, with cavalry charging fiercely on the right, the Confederate line of battle, scarlet almost from the array of battle flags floating over it, went forth to death, driving before it masses of blue cavalry and artillery"; and

Whereas, General Gordon's forces could not sustain the drive and soon fell back to Appomattox Courthouse; there was no help forthcoming for the hardpressed troops, and the only course left was surrender; and

Whereas, An aide to General Lee, Colonel Charles Marshall, was asked by the General to find a suitable place for the meeting with General Grant; he learned of a private residence belonging to Mr. Wilmer McLean, a citizen who had lived on the battlefield at Bull Run and had moved to Appomattox Courthouse to get away from the war, and General Lee waited in the parlor of this small home for a half hour with Colonel Orville Babcock of General Grant's staff before General Grant arrived with a large body of mounted men; and

Whereas, General Lee and his troops had destroyed all their baggage,

salvaging only one uniform each, and the Confederate General, standing ramrod straight, was wearing the dress attire he chose to save, a splendid gray uniform, a jeweled sword, boots ornamented with red stitching, his aristocratic bearing and impressive flowing silver beard never suggesting that he filled the role of the conquered; and

Whereas, In contrast, General Grant, short and stocky, wore the drab blue uniform of the private with nothing to note his rank but his shoulder straps; his blouse was unbuttoned, and his hair and beard were brown with a trace of gray, although at 42, he was some sixteen years General Lee's junior; and

Whereas, The terms of surrender were written at a marble-topped table in the corner of the room, and after some bargaining, General Lee agreed to the surrender, which laid down the arms of some 28,000 Confederate soldiers; and

Whereas, The Senate of Texas wishes to commemorate this episode in the history of the United States which restored the Union, but has never dimmed the pride of the South in a heritage made great by the valor and dedication of her heroes; now, therefore, be it

Resolved, That the Senate of the 59th Legislature by this Resolution commemorate the Centennial of the Confederate surrender at Appomattox Courthouse; and be it further

Resolved, That the Senate of Texas, as a memorial to the men who died in the fight to preserve the rights of the states, reiterate the stirring words used by General Robert E. Lee as he last addressed his troops: "With an unceasing admiration for your constancy and devotion to your country, and a grateful remembrance of your kind and generous consideration for myself, I bid you an affectionate farewell."

The resolution was read.

On motion of Senator Hardeman and by unanimous consent the resolution was considered immediately and was adopted.

**Senate Resolutions 431 and 446
Laid on Table**

On motion of Senator Hardeman

and by unanimous consent S. R. Nos. 431 and 446 were Laid on the Table.

Senate Bill 504 Ordered Not Printed

On motion of Senator Ratliff and by unanimous consent S. B. No. 504 was ordered not printed.

House Bill 534 Ordered Not Printed

On motion of Senator Hardeman and by unanimous consent H. B. No. 534 was ordered not printed.

House Bill 232 Ordered Not Printed

On motion of Senator Richter and by unanimous consent H. B. No. 232 was ordered not printed.

Senate Bill 442 Re-referred

On motion of Senator Strong and by unanimous consent S. B. No. 442 was withdrawn from the Committee on Jurisprudence and was re-referred to the Committee on Oil and Gas.

Report of Standing Committee

Senator Ratliff by unanimous consent submitted the following report:

Austin, Texas,
April 13, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 511, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

House Bill 775 Ordered Not Printed

On motion of Senator Bates and by unanimous consent H. B. No. 775 was ordered not printed.

House Bill 662 Ordered Not Printed

On motion of Senator Bates and by unanimous consent H. B. No. 662 was ordered not printed.

House Bill 719 Ordered Not Printed

On motion of Senator Bates and by unanimous consent H. B. No. 719 was ordered not printed.

House Bill 540 Ordered Not Printed

On motion of Senator Snelson and

by unanimous consent H. B. No. 540 was ordered not printed.

House Bill 831 Ordered Not Printed

On motion of Senator Snelson and by unanimous consent H. B. No. 831 was ordered not printed.

House Bill 431 Ordered Not Printed

On motion of Senator Word and by unanimous consent H. B. No. 431 was ordered not printed.

Senate Bill 175 on Second Reading

Senator Parkhouse asked unanimous consent to suspend the regular order of business and take up S. B. No. 175 for consideration at this time.

There was objection.

Senator Parkhouse then moved to suspend the regular order of business and take up S. B. No. 175 for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Hightower
Bates	Kennard
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crumpp	Richter
Dies	Rogers
Hall	Snelson
Hardeman	Spears
Harrington	Strong
Hazlewood	Watson
Herring	Word

Nays—2

Kazen	Krueger
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Absent

Schwartz

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 175, A bill to be entitled "An Act amending Article 1.15 of the Insurance Code as contained in Section 3, Chapter 307, of the Acts of the 54th Legislature, Regular Session, 1955, to provide that after the

sixth year of organization or incorporation of an insurance company the State Board of Insurance shall examine its financial condition and ability to meet its liabilities, as well as its compliance with the laws of this State, once in each three (3) years, or oftener, as the State Board of Insurance deems necessary; repealing all conflicting laws and parts of laws to the extent of such conflict; setting forth a severability clause; and declaring an emergency."

The bill was read second time.

Senator Spears offered the following amendment to the bill:

Amend Senate Bill 175 by adding at the end of Section 1 the following to be known as Section 1a:

"Section 1a. That Article 11.07 of the Insurance Code, Acts 1951, 52nd Legislature, Regular Session, Chapter 491, be and the same is hereby amended so as to read hereafter as follows:

"Art. 11.07 Examination

"All of the provisions of Article 1.15 and Article 1.16 relative to the examination of companies shall apply to companies formed under this Chapter;"

The amendment was read and was adopted.

Senator Spears offered the following amendment to the bill:

Amend the caption of Senate Bill 175 by inserting after the semi-colon which follows the phrase "as the State Board of Insurance deems necessary" the following:

"Amending Article 11.07 of the Insurance Code as contained in the Acts of the 52nd Legislature, Regular Session, 1951, Chapter 491, to provide that Article 1.15 and Article 1.16 relative to the examination of insurance companies apply to the examination of companies formed under Chapter 11 of the Insurance Code;"

The amendment was read and was adopted.

The bill as amended was passed to engrossment.

Record of Votes

Senators Hardeman, Kazen, Krueger, Rogers, Dies, Harrington, Hall and Schwartz asked to be recorded as vot-

ing "Nay" on the passage to engrossment of S. B. No. 175.

Motion to Place Senate Bill 175 on Third Reading

Senator Parkhouse moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 175 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

Yeas—23

Aikin	Moore
Bates	Parkhouse
Blanchard	Patman
Calhoun	Ratliff
Cole	Reagan
Colson	Richter
Creighton	Snelson
Crump	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kennard	

Nays—8

Dies	Kazen
Hall	Krueger
Hardeman	Rogers
Harrington	Schwartz

Conference Committee on House Concurrent Resolution 15

Senator Herring called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. C. R. No. 15 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following as a Conference Committee on the part of the Senate on H. C. R. No. 15: Senators Herring, Bates, Creighton, Hall and Krueger.

Senate Bill 490 on Second Reading

Senator Crump asked unanimous consent to suspend the regular order of business and take up S. B. No. 490 for consideration at this time.

There was objection.

Senator Crump then moved to suspend the regular order of business and take up S. B. No. 490 for consideration at this time.

The motion prevailed by the following vote:

Yeas—23

Aikin	Kennard
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Herring	Strong
Hightower	Watson
Kazen	Word

Nays—3

Bates	Krueger
Hazlewood	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 490, A bill to be entitled "An Act repealing section 106(a) of Article XIII of the Uniform Act Regulating Traffic on Highways, as heretofore amended (being codified as section (106(a) of Article 6701d of Vernon's Civil Statutes) to the extent, and only to the extent of its conflict with Senate Bill 3, Acts Regular Session 59th Legislature; repealing all other laws and parts of laws to the extent, and only to the extent of their conflict with the aforesaid Senate Bill 3; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Record of Votes

Senators Krueger, Hazlewood and Bates asked to be recorded as voting "Nay" on the passage of S. B. No. 490 to engrossment.

Senate Bill 490 on Third Reading

Senator Crump moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 490 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—20

Aikin	Kennard
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Herring	Strong
Hightower	Watson
Kazen	Word

Nays—3

Bates	Krueger
Hazlewood	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Krueger and Bates asked to be recorded as voting "Nay" on the final passage of S. B. No. 490.

Senate Bill 386 on Second Reading

Senator Bates asked unanimous consent to suspend the regular order of business and take up S. B. No. 386 for consideration at this time.

There was objection.

Motion to Adjourn

Senator Aikin moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Senator Parkhouse moved that the Senate take recess until 2:00 o'clock p.m. today.

Question first on the motion to adjourn, the motion was lost by the following vote:

Yeas—15

Aikin	Hightower
Blanchard	Kazen
Colson	Krueger
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Richter

Schwartz
Spears

Strong

Nays—16

Bates	Kennard
Calhoun	Moore
Cole	Parkhouse
Creighton	Patman
Crump	Rogers
Hall	Snelson
Harrington	Watson
Herring	Word

Question next on the motion to take recess until 2:00 o'clock p.m. today, the motion was lost.

Senate Bill 386 on Second Reading

Senator Bates moved to suspend the regular order of business and take up S. B. No. 386 for consideration at this time.

Recess

Senator Aikin moved that the Senate take recess until 2:15 o'clock p.m. today.

Senator Strong moved that the Senate stand adjourned until 10:00 o'clock a.m. tomorrow.

Question first on the motion to adjourn until 10:00 o'clock a.m. tomorrow, the motion was lost by the following vote:

Yeas—12

Aikin	Ratliff
Colson	Reagan
Dies	Richter
Hazlewood	Schwartz
Hightower	Spears
Krueger	Strong

Nays—19

Bates	Kazen
Blanchard	Kennard
Calhoun	Moore
Cole	Parkhouse
Creighton	Patman
Crump	Rogers
Hall	Snelson
Hardeman	Watson
Harrington	Word
Herring	

Question next on the motion to take recess until 2:15 o'clock p.m. today, the motion prevailed.

Accordingly, the Senate at 12:13 o'clock p.m. took recess until 2:15 o'clock p.m. today.

After Recess

The President called the Senate to order at 2:15 o'clock p.m. today.

Senate Bill 386 on Second Reading

Senator Bates again moved to suspend the regular order of business to take up S. B. No. 386 for consideration at this time.

The motion prevailed by the following vote:

Yeas—21

Aikin	Hightower
Bates	Kazen
Blanchard	Krueger
Calhoun	Moore
Cole	Parkhouse
Colson	Ratliff
Creighton	Reagan
Hall	Rogers
Harrington	Snelson
Hazlewood	Word
Herring	

Nays—9

Crump	Richter
Dies	Schwartz
Hardeman	Spears
Kennard	Strong
Patman	

Absent

Watson

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 386, A bill to be entitled "An Act to fix a maximum rate of interest and other charges on certain types of installment loans in principal amounts of \$15,000, or less; prohibiting loan fees or charges with certain exceptions; providing for disclosure of loan terms to the borrower; providing for certain refunds upon prepayment; making books and records of certain lenders subject to review by state and federal administrative agencies; providing for severability; providing that all laws or parts of laws which are in conflict with this act are repealed or modified to the extent of such conflict only, except that this Act shall not affect the Texas Regulatory Loan Act; and declaring an emergency."

The bill was read the second time.

Senator Bates offered the following Committee Amendment to the bill:

Amend S. B. 386 by striking out all below the enacting clause and substituting therefor the following:

Section 1. An Act amending the Revised Civil Statutes, 1925, as amended, by adding a new article to be identified as Article 5071(a), reading as follows:

"Article 5071(a) LIMIT ON RATE—INSTALLMENT LOANS (1) Every lender making installment loans, in principal amounts of \$12,000.00, or less, may charge, contract for, collect and receive add-on interest charges not in excess of \$9.00 per \$100 of the cash advance, repayable over a period of one year, and proportionately at that rate for a greater or lesser sum or for a longer or shorter period. This interest charge may be collected notwithstanding any agreement to repay the loan in installments, which charge may be computed on the amount of the cash advance from the date of the making of the loan until the date of maturity, provided all installments shall be substantially equal in amount. Such interest charge shall be added to the cash advance and the resulting sum shall be the amount of the loan obligation. (2) When such a loan is made, the lender shall deliver to the borrower or, if more than one, to one of them, a statement of the transaction showing in clear and distinct terms the following: the date of the loan, the amount of the loan obligation, the amount of add-on interest contracted to be paid, the maturity date of the loan, the nature of the security, if any, a description or schedule of the payments on such loan, the type of insurance, if any, provided in connection with the loan, and the premiums for such insurance, and any other charges made under the terms of this Act.

(3) If a loan made under this Act is prepaid in full before the final installment date, the borrower shall receive a refund in an amount which shall be at least as great a proportion of the total interest charged as the sum of the periodic balances after the date of prepayment bears to the sum of all the periodic time balances under the schedule of payments in the original contract. No refund shall be required for partial prepayments and no refund of less than \$1.00 need be made.

(4) In addition to the charges provided for in paragraph (1), no fur-

ther or other amount whatsoever shall be directly or indirectly charged, contracted for, or received from the borrower in connection with a loan made under this Act. However, such restriction shall not apply to amounts actually incurred by a lender for the following: court costs, a reasonable attorney's fee affixed and assessed by the court, lawful fees for the filing, recording or releasing in any public office of any instrument securing a loan, the reasonable costs actually expended for repossessing, storing or selling any security, the fees for noting a lien on or transferring a certificate of title to any motor vehicle offered as security for a loan made under this Act, the cost of recording any lien which is security for a loan, and the identifiable charge or premium for insurance securing the loan.

(5) No lender shall make a loan under this Act other than a lender who is subject to examination and supervision by The Banking Department of Texas, the U. S. Comptroller of the Currency, The Federal Home Loan Bank Board, The Texas Savings and Loan Department or the office of the Regulatory Loan Commissioner of Texas, or any successor to such agencies. Any lender making loans under this Act shall make all books and records relating to such loans available to such agency for its review to insure compliance with the provisions of this Act.

(6) Any lender who violates any provision of this Act except as a result of an accidental and bona fide error shall be barred from the recovery of any interest charge or other charge which may have been made in connection with a loan made under the terms of this Act; but the lender may recover from the borrower the amount of principal still due and owing on the loan in substantially equal installments divided over the remaining period contemplated under the terms of the loan.

(7) Any lender who charges, contracts for or receives an amount in excess of the authorized charges permitted by this Act, in connection with a loan made under the terms of this Act, shall be liable for reasonable attorney's fees incurred by the borrower in enforcing any of the terms of this Act."

Section 2. If any provision, section, sentence, clause or part of this Act or the application thereof to any person or circumstance is held invalid,

such holding shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application and to this end the provisions of this Act are declared to be severable.

Section 3. All laws or parts of laws which are in conflict with this Act are hereby repealed or modified to the extent of such conflict only; provided, however, nothing contained in this Act shall affect, alter or diminish any of the authority, requirements or provisions contained in the Texas Regulatory Loan Act of the 58th Legislature, Regular Session, 1963.

Section 4. The need for clarification of laws regulating interest rates on installment loans made by banks and savings and loan associations and the public desirability of authorizing other financial institutions which are closely examined and supervised by governmental agencies to make loans under this Act to encourage healthy competition for installment loans, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended; and said rule is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Senator Bates and by unanimous consent, the reading of the amendment was dispensed with and he explained the amendment.

Senator Parkhouse offered the following amendment to the pending Committee Amendment:

Amend Paragraph (1) of Section 1, Committee Amendment of S. B. 386 by deleting all of said Paragraph (1) and substituting therefor the following:

"(1) Every lender making installment loans hereunder, except loans secured by the first lien mortgages on real estate, may charge, contract for, collect and receive add-on interest charges not in excess of \$9.00 per \$100.00 per annum on that portion of the cash advance not in excess of \$12,000.00, for the full term of the loan contract. This interest charge may be collected notwithstanding any agreement to repay the loan in installments, which charge may be computed on the amount of the cash advance from the date of the making of the loan until the date of maturity,

provided all installments shall be substantially equal in amount. Such interest charge shall be added to the cash advance and the resulting sum shall be the amount of the loan obligation."

The amendment to the pending Committee Amendment was read.

Senator Schwartz offered the following substitute for the pending amendment by Senator Parkhouse:

Amend S. B. No. 386 by striking the figures "\$12,000.00" and substituting in lieu thereof the figures "\$6,500.00."

The substitute for the pending amendment to the Committee Amendment was read and was adopted.

(Pending discussion by Senator Schwartz of his amendment, Senator Aikin occupied the Chair.)

(President in the Chair.)

Record of Votes

Senators Spears, Strong, Dies and Patman asked to be recorded as voting "Nay" on the adoption of the above amendment.

The amendment by Senator Parkhouse as substituted was then adopted.

Senator Bates offered the following amendment to the pending Committee Amendment:

Amend Paragraph (5) of Section 1 of S. B. 386 by adding thereto the following:

"No lender shall make a loan under this act to a borrower who at such time has a loan outstanding with said lender."

The amendment to the Committee Amendment was read and was adopted.

Senator Bates offered the following amendment to the pending Committee Amendment:

Amend Paragraph (2) of Section 1 of S. B. 386 by inserting therein on Line 34, after the comma following the word "paid" and preceding the word "the," the following:

"the maximum annual interest rate as authorized by this Act,".

The amendment to the pending

Committee Amendment was read and was adopted.

Senator Bates offered the following amendment to the pending Committee Amendment:

Amend Paragraph (4) of Section 1 of S. B. No. 386 by adding thereto the following sentence after the period on line 3:

"Provided, however, such identifiable charges or premiums for physical damage insurance covering tangible personal property, or title or physical damage insurance covering real property when offered as security for a loan under this act and identifiable charges or premiums for credit insurance against the death or disability of the borrower shall not exceed the maximum rates or premiums promulgated by the State Board of Insurance, or, in the absence of rates promulgated by the State Board of Insurance for such insurance, rates which have been filed with and not disapproved by the regulatory authority or agency hereinafter given power to examine the books and records of the respective lenders under this act."

The amendment to the pending Committee Amendment was read and was adopted.

Senator Schwartz offered the following amendment to the pending Committee Amendment:

Amend Committee Amendment to S. B. No. 386, by adding a new section thereto to be numbered Section 3 and renumbering the present sections 3 and 4.

"Section 3. Lenders governed under the provisions of this Act are expressly prohibited from charging the rates permitted herein on any Real Estate Loan secured by a mortgage upon said real estate, and rates of interest charged on such loans shall continue to be governed under existing laws and constitutional limitations."

The amendment to the pending Committee Amendment was read and was adopted.

Question—Shall the Committee Amendment as amended be adopted?

Senator Schwartz offered the following amendment to the pending Committee Amendment:

Amend Committee Amendment No. 1 by removing the language in (5) thereof as follows, "or the office of the Regulatory Loan Commissioner of Texas" and placing a comma after the word "Department" on line 9 of page 2 of the Committee Amendment.

The amendment to the pending Committee Amendment was read.

Question on adoption of the amendment, Yeas and Nays were demanded.

The amendment was adopted by the following vote:

Yeas—22

Aikin	Hightower
Blanchard	Kazen
Calhoun	Kennard
Colson	Krueger
Creighton	Patman
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Herring	Watson

Nays—8

Bates	Ratliff
Cole	Reagan
Moore	Strong
Parkhouse	Word

Absent

Hazlewood

The Committee Amendment as amended was then adopted.

On motion of Senator Bates and by unanimous consent the caption was amended to conform to the body of the bill as amended.

Question on passage to engrossment of S. B. No. 386, Yeas and Nays were demanded.

The bill was passed to engrossment by the following vote:

Yeas—16

Aikin	Moore
Bates	Parkhouse
Calhoun	Ratliff
Creighton	Reagan
Hall	Schwartz
Hightower	Snelson
Kazen	Watson
Kennard	Word

Nays—14

Blanchard	Herring
Cole	Krueger
Colson	Patman
Crump	Richter
Dies	Rogers
Hardeman	Spears
Harrington	Strong

Absent

Hazlewood

Senate Resolution 461

Senator Harrington offered the following resolution:

Whereas, David Harrington has been distinguished by Orangefield High School as Most Handsome student at Orangefield's first pageant; and

Whereas, The Orangefield pageant is sponsored by the staff of Bobcat Trails, school yearbook. Thomas L. Lott, esteemed Assistant Principal, is adult sponsor of the yearbook staff; now, therefore, be it

Resolved, That the Senate of the 59th Texas Legislature congratulates David Harrington and wishes him a happy and successful future.

The resolution was read and was adopted.

Reports of Standing Committees

Senator Crump by unanimous consent submitted the following report:

Austin, Texas,
April 13, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Legislative, Congressional and Judicial Districts to which was referred H. B. No. 350, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and not be printed.

CRUMP, Chairman.

Senator Ratliff by unanimous consent submitted the following reports:

Austin, Texas,
April 13, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 594, have had the

same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

RATLIFF, Chairman.

C. S. H. B. No. 594, was read the first time.

Austin, Texas,
April 13, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 741, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
April 13, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 342, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
April 13, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 849, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

RATLIFF, Chairman.

House Bill 350 Ordered Not Printed

On motion of Senator Moore and by unanimous consent H. B. No. 350 was ordered not printed.

Senate Bill 504 on Second Reading

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 504, A bill to be entitled "An Act authorizing the creation of a hospital district with boundaries co-terminous with the boundaries of the Stamford County-Line Independent School District of Jones and Haskell Counties, Texas, as fixed on the effective date of this Act"; etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 504 on Third Reading

Senator Ratliff moved that the Constitutional Rule and Senates Rules 38 and 32 requiring bills to be read on three several days be suspended and that S. B. No. 504 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

Leave of Absence

Senator Hazlewood was granted leave of absence for the remainder of the day on account of illness on motion of Senator Blanchard.

Committee Substitute Senate Bill 10 on Second Reading

On motion of Senator Kennard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 10, A bill to be entitled "An Act authorizing the creation of the North Central Texas Airport Authority in Tarrant County, Texas; providing for an election on the questions of the creation of such airport authority and the levy of a tax not to exceed seventy-five cents (75¢) for its maintenance, support and the payment of bonds issued by it; providing for annexation of any municipal corporation or county adjoining the boundaries of such airport authority; providing for a board of directors and for the election at large of the successors of the initial appointees thereto; providing for the assumption of the outstanding bonded indebtedness with respect to airports of municipal corporations within the airport authority or those thereafter annexed; authorizing the issuance of bonds for airport purposes and the levy of a tax for the payment thereof; providing that no bonds shall be issued by the airport authority (except refunding bonds and revenue bonds) until authorized by a majority vote of the legally qualified property taxpaying voters residing in the airport authority; authorizing the assessment and collection of taxes of the airport authority by its assessor and collector; providing for a tax attorney; providing for the administering of oaths and the use of a seal; enacting other provisions incident and germane to the subject and purpose of this Act; and providing a severance clause; and declaring an emergency."

The bill was read second time.

Senator Moore offered the following amendment to the bill:

Amend Senate Bill 10 by adding between the words "Authority," and

"which" in the second paragraph of Sec. 14 the following language:

"except the property of State regulated common carriers, required by law to pay a tax upon intangible assets,"

The amendment was read and was adopted.

The bill as amended was passed to engrossment.

Committee Substitute Senate Bill 10 on Third Reading

Senator Kennard moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 10 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Krueger
Bates	Moore
Calhoun	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Snelson
Herring	Spears
Hightower	Strong
Kazen	Watson
Kennard	Word

Absent

Blanchard Cole

Absent—Excused

Hazlewood

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 97 on Third Reading

On motion of Senator Hall and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

S. B. No. 97, A bill to be entitled "An Act relating to the licensing of polygraph examiners; creating

a Polygraph Examiners Board; granting certain powers to the Polygraph Examiners Board; establishing minimum instrumentation requirements; providing for penalties for violation of provisions of this Act; and declaring an emergency."

The bill was read the third time and was finally passed.

Record of Votes

Senators Dies, Hardeman, Rogers, Patman, Krueger, Spears and Ratliff asked to be recorded as voting "Nay" on the final passage of S. B. No. 97.

Senate Bill 285 on Third Reading

Senator Bates asked unanimous consent to suspend the regular order of business and take up S. B. No. 285 for consideration at this time.

There was objection.

Senator Bates then moved to suspend the regular order of business and take up S. B. No. 285 for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Hardeman	Snelson
Hightower	Strong
Kazen	Watson
Kennard	Word

Nays—9

Aikin	Patman
Dies	Rogers
Hall	Schwartz
Harrington	Spears
Herring	

Absent

Cole

Absent—Excused

Hazlewood

The President laid before the Senate on its third reading and final passage:

S. B. No. 285, A bill to be entitled

"An Act amending the provisions of Senate Bill No. 236, known as the Insurance Code, as amended, by adding thereto a new Article, designated as Article 21.48A; defining and concerning Mortgage Lenders and Borrowers; etc., and declaring an emergency."

The bill was read the third time and was passed by the following vote:

Yeas—21

Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Hardeman	Richter
Herring	Snelson
Hightower	Watson
Kazen	Word
Kennard	

Nays—8

Aikin	Rogers
Dies	Schwartz
Hall	Spears
Harrington	Strong

Absent

Cole

Absent—Excused

Hazlewood

Senate Bill 175 on Third Reading

Senator Parkhouse moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 175 be placed on its third reading and final passage, (the bill having been read the second time today).

The motion prevailed by the following vote:

Yeas—24

Aikin	Hightower
Bates	Moore
Blanchard	Parkhouse
Calhoun	Patman
Cole	Ratliff
Colson	Reagan
Creighton	Richter
Crump	Snelson
Dies	Spears
Hardeman	Strong
Harrington	Watson
Herring	Word

Nays—5

Hall	Rogers
Kazen	Schwartz
Krueger	

Absent

Kennard

Absent—Excused

Hazlewood

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Kazen, Dies, Schwartz, Krueger, Hall and Rogers asked to be recorded as voting "Nay" on the final passage of S. B. No. 175.

Committee Substitute Senate Bill 200 on Second Reading

On motion of Senator Reagan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 200, A bill to be entitled "An Act amending Chapters Five and Six of House Bill No. 29, Acts 58th Legislature, 1963, Chapter 113, Page 269, et seq., by deleting sub-sections (1), (2), and (3) of Section 5.05; by amending Section 6.08 thereof to specify how payments may be made on savings accounts in two or more names; and declaring an emergency."

The bill was read second time and passed to engrossment.

Committee Substitute Senate Bill 200 on Third Reading

Senator Reagan moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 200 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Calhoun
Bates	Cole

Colson	Moore
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hall	Reagan
Hardeman	Richter
Harrington	Rogers
Herring	Schwartz
Hightower	Snelson
Kazen	Strong
Kennard	Watson
Krueger	

Nays—2

Blanchard Spears

Present—Not Voting

Word

Absent—Excused

Hazlewood

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Blanchard and Spears asked to be recorded as voting "Nay" on the final passage of S. B. No. 200.

**Senate Joint Resolution 26 on
Second Reading**

On motion of Senator Hightower and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. J. R. No. 26, Proposing an amendment to Sections 4 and 5 of Article V of the Constitution of the State of Texas to provide for a Court of Criminal Appeals of five members; prescribing their qualifications; elections, appointment, tenure of office and compensation; and prescribing the term of court of said Court."

The resolution was read second time.

Senator Hightower offered the following amendment to the resolution:

Amend S. J. R. No. 26 by deleting all below the resolving clause and inserting in lieu thereof the following:

Section 1. That Section 4 of Article

V of the Constitution of the State of Texas be amended so as to hereafter read as follows:

"Sec. 4. The Court of Criminal Appeals shall consist of five judges, one of whom shall be Presiding Judge, a majority of whom shall constitute a quorum, and the concurrence of three Judges shall be necessary to a decision of the Court. Said Judges shall have the same qualifications and receive the same salaries as the Associate Justices of the Supreme Court. They shall be elected by the qualified voters of the State at a general election and shall hold their offices for a term of six years. In case of a vacancy in the office of a Judge of the Court of Criminal Appeals, the Governor shall, with the advice and consent of the Senate, fill said vacancy by appointment until the next succeeding general election.

The Judges of the Court of Criminal Appeals who may be in office at the time when this amendment takes effect shall become Judges of the Court of Criminal Appeals and continue in office until the expiration of the term of office for which each has been elected or appointed under the present Constitution and laws of this State, and until his successor shall have been elected and qualified.

The two members of the Commission of Appeals in aid of the Court of Criminal Appeals who may be in office at the time when this amendment takes effect shall become Judges of the Court of Criminal Appeals and shall hold their offices, one for a term of two years and the other for a term of four years, beginning the first day of January following the adoption of this amendment and until their successors are elected and qualified. Said Judges shall by agreement or otherwise designate the incumbent for each of the terms mentioned.

The Governor shall designate one of the five Judges as Presiding Judge and at the expiration of his term and each six years thereafter a Presiding Judge shall be elected."

Sec. 2. That Section 5 of the Article V of the Constitution of the State of Texas be amended so as to hereafter read as follows:

"Sec. 5. The Court of Criminal Appeals shall have appellate jurisdiction co-extensive with the limits of the State in all criminal cases of whatever grade, with such exceptions and under such regulations as may be prescribed by law.

The Court of Criminal Appeals and the Judges thereof shall have the power to issue the writ of habeas corpus, and under such regulations as may be prescribed by law, issue such writs as may be necessary to enforce its own jurisdiction. The Court of Criminal Appeals shall have power upon affidavit or otherwise to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction.

The Court of Criminal Appeals may sit for the transaction of business at any time from the first Monday in October to the last Saturday in September in each year, at the State Capital. The Court of Criminal Appeals shall appoint a Clerk of the Court who shall give bond in such manner as is now or may hereafter be required by law, and who shall hold his office for a term of four years unless sooner removed by the Court for good cause entered of record on the minutes of said Court.

The Clerk of the Court of Criminal Appeals who may be in office at the time when this amendment takes effect shall continue in office for the term of his appointment.

Sec. 3. Said proposed Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held throughout the State on the first Tuesday after the first Monday in November, A.D. 1966, at which election each voter opposing said proposed amendment shall scratch off the ballot with a pen or pencil the following words printed on said ballot:

"FOR the amendment to the State Constitution providing for a Court of Criminal Appeals of five members, and prescribing the term of said Court."

Each voter favoring said proposed amendment shall scratch off the ballot in the same manner the following words printed on said ballot:

"AGAINST the amendment to the State Constitution providing for a Court of Criminal Appeals of five members, and prescribing the term of said Court."

If it appears from the returns of said election that a majority of the votes cast are in favor of said amendment the same shall become a part of the Constitution of this State.

Sec. 4. The Governor shall issue the necessary proclamation for said election and have same published and said election shall be held as provided by

the Constitution and laws of this State, and the sum of Five Thousand Dollars or so much thereof as is necessary is hereby appropriated out of any funds of the State of Texas not otherwise appropriated to pay for publishing the proclamation and holding said election.

The amendment was read and was adopted.

The resolution as amended was passed to engrossment.

Senate Joint Resolution 26 on Third Reading

Senator Hightower moved that the Constitutional Rule and Senate Rule 32 requiring resolutions to be read on three several days be suspended and that S. J. R. No. 26 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Herring	Strong
Hightower	Watson
Kazen	Word

Absent—Excused

Hazlewood

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—30

Aikin	Hall
Bates	Hardeman
Blanchard	Harrington
Calhoun	Herring
Cole	Hightower
Colson	Kazen
Creighton	Kennard
Crump	Krueger
Dies	Moore

Parkhouse	Schwartz
Patman	Snelson
Ratliff	Spears
Reagan	Strong
Richter	Watson
Rogers	Word

Absent—Excused

Hazlewood

Vote on Final Passage of Senate Bill 504 Reconsidered

On motion of Senator Ratliff, the vote by which the Senate finally passed S. B. No. 504 on today was reconsidered by the following vote:

Yeas—30

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Herring	Strong
Hightower	Watson
Kazen	Word

Absent—Excused

Hazlewood

Question—Shall S. B. No. 504 be finally passed?

Senate Bill 487 on Second Reading

Senator Watson asked unanimous consent to suspend the regular order of business and take up S. B. No. 487 for consideration at this time.

There was objection.

Senator Watson then moved to suspend the regular order of business and take up S. B. No. 487 for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Dies
Calhoun	Hall
Cole	Harrington
Colson	Herring
Creighton	Hightower
Crump	Kazen

Kennard	Rogers
Krueger	Schwartz
Moore	Snelson
Parkhouse	Spears
Patman	Strong
Ratliff	Watson
Reagan	Word
Richter	

Nays—2

Bates Blanchard

Absent

Hardeman

Absent—Excused

Hazlewood

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 487, A bill to be entitled "An Act authorizing the Board of Directors of Texas A&M University to accept James Connally Air Force Base on behalf of the State of Texas and to establish thereon the James Connally Technical Institute of Texas A&M University offering vocational and vocational-technical education programs; providing severability; and declaring an emergency."

The bill was read the second time.

Senator Rogers raised the Point of Order that S. B. No. 487 contravenes Joint Rule 9-a.

The President stated that he would take the Point of Order under advisement.

Question—Shall S. B. No. 487 be passed to engrossment?

Senate Bill 241 on Second Reading

On motion of Senator Snelson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 241, A bill to be entitled "An Act to amend Section 5 of Chapter 282, Acts 41st Legislature, 1929, Regular Session, as amended (codified as Article 2603a, Vernon's Civil Statutes of Texas), so as to provide for the acquiring, constructing and equipping of a building in the City of Midland, Texas, or adjacent area to

house certain administrative staff offices of The University of Texas; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 241 on Third Reading

Senator Snelson moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 241 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Krueger
Bates	Moore
Blanchard	Parkhouse
Calhoun	Patman
Cole	Ratliff
Colson	Reagan
Creighton	Richter
Crump	Rogers
Dies	Schwartz
Hall	Snelson
Harrington	Spears
Herring	Strong
Hightower	Watson
Kazen	Word
Kennard	

Absent

Hardeman

Absent—Excused

Hazlewood

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Committee Substitute Senate Joint Resolution 4 on Second Reading

Senator Harrington asked unanimous consent to suspend the regular order of business and take up C. S. S. J. R. No. 4 for consideration at this time.

There was objection.

Senator Harrington then moved to suspend the regular order of business and take up C. S. S. J. R. No. 4 for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Krueger
Bates	Parkhouse
Calhoun	Patman
Cole	Ratliff
Colson	Reagan
Creighton	Richter
Dies	Rogers
Hall	Schwartz
Harrington	Snelson
Herring	Spears
Hightower	Strong
Kazen	Watson
Kennard	Word

Nays—2

Blanchard	Crump
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Absent

Hardeman	Moore
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Absent—Excused

Hazlewood

The President laid before the Senate on its second reading and passage to engrossment:

C. S. S. J. R. No. 4, Proposing an amendment to the Constitution of Texas by adding to Section 62 of Article 16 a new subsection (c), of said Section 62; authorizing the Legislature to enact laws establishing, subject to the limitations stated, a statewide system of Retirement, Disability and Death Compensation benefits for the appointive officials and employees of the several political subdivisions, authorities and taxing districts of the State, of the several counties of the State, and of the taxing districts or political subdivisions of any county.

The resolution was read second time.

Question—Shall C. S. S. J. R. No. 4 be passed to engrossment?

Senate Bill 487 on Second Reading

The Senate resumed the consideration of S. B. No. 487, (the bill having been read the second time today with a Point of Order raised by Senator Rogers).

Question—Shall S. B. No. 487 be passed to engrossment?

The President stated that the Point of Order raised by Senator Rogers

that S. B. No. 487 contravenes Joint Rule 9-a would be overruled.

The bill was then passed to engrossment.

Senate Bill 487 on Third Reading

Senator Watson moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 487 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Schwartz
Hall	Snelson
Harrington	Spears
Herring	Strong
Hightower	Watson
Kazen	Word

Nays—1

Rogers

Absent

Hardeman

Absent—Excused

Hazlewood

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Schwartz
Hall	Snelson
Harrington	Spears
Herring	Strong
Hightower	Watson
Kazen	Word

Nays—1

Rogers

Absent

Hardeman

Absent—Excused

Hazlewood

Senate Bill 141 on Third Reading

Senator Creighton asked unanimous consent to suspend the regular order of business and take up S. B. No. 141 for consideration at this time.

There was objection.

Senator Creighton then moved to suspend the regular order of business and take up S. B. No. 141 for consideration at this time.

The motion prevailed by the following vote:

Yeas—23

Aikin	Krueger
Bates	Moore
Blanchard	Parkhouse
Calhoun	Reagan
Creighton	Richter
Crump	Schwartz
Hall	Snelson
Harrington	Spears
Herring	Strong
Hightower	Watson
Kazen	Word
Kennard	

Nays—5

Cole	Patman
Colson	Rogers
Dies	

Absent

Hardeman

Ratliff

Absent—Excused

Hazlewood

The President laid before the Senate on its third reading and final passage:

S. B. No. 141, A bill to be entitled "An Act to be known as the Uniform Commercial Code, Relating to Certain Commercial Transactions in or regarding Personal Property and Contracts and other Documents concerning them, including Sales, Commercial Paper, Bank Deposits and Col-

lections, Letters of Credit, Bulk Transfers, Warehouse Receipts, Bills of Lading, other Documents of Title, Investment Securities, and Secured Transactions, including certain Sales of Accounts, Chattel paper, and Contract Rights."

The bill was read the third time.

Question—Shall S. B. No. 141 be finally passed?

Memorial Resolutions

S. R. No. 462—By Senator Watson: Memorial resolution for John Jackson.

S. R. No. 463—By Senator Watson: Memorial resolution for Jack T. Baker.

S. R. No. 464—By Senator Watson: Memorial resolution for William T. Maxwell.

S. R. No. 465—By Senator Watson: Memorial resolution for William E. Lawrence.

S. R. No. 466—By Senator Watson: Memorial resolution for Mrs. Beatrice Mullins.

S. R. No. 467—By Senator Watson: Memorial resolution for Mrs. J. C. Wallis.

Welcome and Congratulatory Resolutions

S. R. No. 460—By Senator Harrington: Extending congratulations to Lillian Granger of Orangefield High School.

S. R. No. 468—By Senator Krueger: Extending welcome to students and teachers of West End, Welcome, Cochran and Kenney Schools of Austin County.

S. R. No. 469—By Senator Kennard: Extending welcome to students and sponsors of Masonic Home of Fort Worth.

S. R. No. 470—By Senators Strong and Creighton: Extending congratulations and commending Ben McHenry of Gladewater on being named "Exhausted Rooster of The Year" by the Gladewater Junior Chamber of Commerce.

S. R. No. 473—By Senator Her-ring: Extending welcome to students

and teachers of Albert Sidney Johnston High School of Austin.

S. R. No. 474—By Senator Watson: Extending welcome to Leo Bradshaw of Waco.

S. R. No. 475—By Senator Watson: Extending welcome to Bryon Davis of McGregor.

Adjournment

On motion of Senator Hightower the Senate at 5:57 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

Reports of Standing Committee

Senator Hardeman submitted the following reports:

Austin, Texas,

April 13, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-grossed and Enrolled Bills, to which was referred:

S. B. 284, An Act authorizing the Board of Regents of The University of Texas to acquire by donation or deed of gift from The Texas Medical Center in Houston for the use and benefit of The University of Texas M. D. Anderson Hospital and Tumor Institute, The University of Texas Dental Branch, The University of Texas Graduate School of Biomedical Sciences at Houston, or such other branch or unit of The University of Texas System as may be established by the Legislature in Houston, certain properties in The City of Houston, Harris County, Texas; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,

April 13, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-grossed and Enrolled Bills, to which was referred:

S. B. No. 289, An Act relating to

compensation and reimbursement of expenses of members of the Texas Animal Health Commission; amending Article 7009, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,

April 13, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 179, An Act amending Section 4 of Chapter 435, Acts of the 50th Legislature, 1947, (codified as Article 4101-2, Vernon's R.C.S.)

transferring all powers and duties of the Texas Council of Migrant Labor to the Good Neighbor Commission; repealing the provisions of Chapter 417, Page 1255, Acts of the 55th Legislature, 1957, (codified in Vernon's as Article 5221e, Vernon's R.C.S.) and all other laws or parts of laws in conflict with the provisions of this Act; providing an effective date; providing a repealing clause; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Sent to Governor

April 13, 1965

S. B. No. 179

S. B. No. 289

S. B. No. 284

In Memory of

Roscoe Conklin Runge

Senator Hardeman offered the following resolution:

(Senate Resolution 458)

Whereas, We, as members of the Senate of the 59th Legislature, are debtors to the memory of Roscoe Conklin Runge, who for more than a quarter of a century furnished the Legislature accurate information that furthered progress to combat the ills that have plagued the livestock industry. To many of us he gave the bounty of a rich friendship. He was among us on that ill-fated day before he returned to his home in Mason and to his ranch in Loyal Valley where his life was snuffed out when an automobile driven by a companion went out of control and both were killed.

The days of Roscoe Runge were seventy years, four months and a day. That day, as were other days of his life, was spent in lively living, mainly in comradeship and discussion with an intimate friend—his eighteen-year-old grandson, William Ripley McVicker.

Much of the life of Roscoe Runge was devoted to public service, and modest man that he was, he never sought acclaim nor popular favor. After school days in Mason he attended a preparatory school in Austin and the University of Texas where he later transferred to the Law Department. With that work period behind him, he faced a world in the grip of war and when the United States entered World War I he became a unit in his country's vast army. Back home in Mason after the war, with his brother, Carl Runge, who had taken over the law office established by their father, Rudolph Runge in 1877, he began the practice of law. In 1920 the voters of Mason County without solicitation wrote his name on the ballot to assign him the duties of the office of County Attorney. Four years later in 1924 he was elected Representative of the 86th District to serve in the 39th Legislature. He served in the 39th and 40th Legislatures and in 1928 bowed out in favor of his friend and neighbor, Coke Stevenson of Junction.

He was an organizer and first president of the Mason County Chamber of Commerce and an organizer of the first Boy Scout troop and served the Mason School Board as president. In 1942 he was appointed District Attorney by Governor Coke Stevenson. The same year Mr. Runge was elected to that office and served two terms, retiring in 1946. In a later period he served as president of the Hill County Bar Association, composed of lawyers of the counties that make up the vast expanse of Edwards Plateau.

Meanwhile, the Texas Sheep and Goat Raisers Association, the Texas and Southwestern Cattle Raisers Association, Texas A & M University and the Federal Bureau of Animal Industry had come to depend upon him for counsel and guidance in the shaping of legislation to rid Texas of predatory animals and parasites. As a friend of the Legislature he found time, too, to give aid to such endeavors as an all encompassing state library service.

Roscoe Runge was married to his home town sweetheart, Miss Ruth Reeder, on May 14, 1921. From that marriage two daughters were born: Harriett Runge, on March 16, 1922, now Mrs. Roy McVicker of Wheat Ridge, Colorado; and Alice Ruth Runge, born on January 12, 1926, now Mrs. Fisher Alsop, Jr., of Corpus Christi, Texas.

Roscoe Runge's fraternity was the Brotherhood of Man and his respect for mankind was great. He willed it that he should be the selector of his intimates and night was never too wild nor the river too deep for him to go to them when call came.

As Texanic as the rocks and water courses of the Edwards Plateau, Roscoe Runge, nurtured in the culture of early and mid-nineteenth century Germany, was happily

blended with the forthrightness of the receding frontier of Texas. In him there was no semblance of pretense and he recoiled with scorn from affectation.

After his death, a daughter sorting papers in Runge's Law Office that had housed Runge lawyers for 88 years, found under the single word Life an extraordinary 400-word essay in blank verse depicting the better values of living from birth "of love and hope" to grandfather days looking to the horizon "where the dusk is waiting for the night by the holy hearth of home as evening's embers change from red to gray."

It was a manifestation of his modesty that not that poem nor any other was ever offered for publication nor even flaunted before family or intimates. In that verse he enlarged upon his disregard for the vain things of life.

"And then ambition, with its lust of self and place and power, longing to put upon its breast distinction's worthless badge. The keener thoughts of men, and eyes that see behind the smiling mask of craft—flattered no more by the obsequious knee of gain and greed—knowing the uselessness of hoarded gold, of honor bought from those who charge the usury of self respect, of power that only bends a coward's knees and forces from the lips of fear the lies of praise." These and other magic words of an unrevealed talent she found in the nooks and crannies of that old-fashioned lawyer's workshop.

Roscoe Runge loved the beauties of the open field and poetry that sang of mankind and beauty. These lines were his:

"May I win by the Code
And if I should fail
May I stand by the road
And cheer as the winners go by."

He counted as the lode star of conduct the slogan of his own country—"An honest man's word is his bond" and as well the way the Scot, Robert Burns put it:

"For a'that, and a'that
The honest man, tho' e'er sae poor
Is king o'men for a'that."

The pastoral life of western Texas was to him an inspiration for living and he quoted a verse from "The Cowboy's Prayer" the way his father remembered it:

"Make me big and open as the Plains
As honest as the horse between my knees
Clean as the wind that blows behind the rain
Free as the hawk that circles down the breeze.";

Now, therefore, be it Resolved, by the Senate of Texas, That a page in the Journal be set aside in memory of Roscoe Runge and that copies of this Resolution, under the Seal of the Senate, be forwarded to the members of the family, and when the Senate adjourns today it do so in honor of this outstanding citizen of Texas.

HARDEMAN
CRUMP

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of
Gus K. Weatherred

Senator Parkhouse offered the following resolution:

(Senate Resolution 459)

Whereas, Dallas and Highland Park lost an outstanding businessman and civic leader with the death on April 7, 1965, of Gus K. Weatherred at the age of 76; and

Whereas, This prominent citizen was born in Osceola, Hill County, Texas, but moved to Arlington and attended Carlisle Military Academy, where his brother, General Preston A. Weatherred, was commandant; and

Whereas, He lived in San Angelo for a time with his family, worked on his father's ranch, and attended San Angelo Junior College; and

Whereas, He then moved to Waco and opened a livery stable and then a warehouse, which was the start of the Weatherred Transfer & Storage Company; and

Whereas, His business was demolished by fire in 1910, but he started all over by hauling freight and storing food for the government during World War I, thus developing a motor freight business, and eventually moving to Dallas to become vice-president of the Dallas Transfer & Terminal Warehouse, which was again wiped out by fire in 1927; and

Whereas, He entered the railroad business as a director of the Frisco Railway Company, and was nationally known for his activities in railroad and warehousing businesses: he was elected president of the Southwest Warehousemen's Association in 1929, as well as president of the merchandise division of the American Warehousemen's Association, in 1939 and 1940, he was elected general vice-president and president of the American Warehousemen's Association, and also served two years as president of the American Chain of Warehouses; and

Whereas, His interest in civic activities resulted in his election to the presidency of both the Dallas and Waco Rotary Clubs; and in 1942, he was elected mayor of Highland Park, and served as fire and police commissioner of that city for 10 years; and

Whereas, He served as president of the Dallas Manufacturers and Wholesalers in 1954, and was president of the Great Southwest Warehouse in 1953, when it was formed by a merger of Dallas Transfer & Terminal, Interstate-Trinity Warehouse Company and the Great Southwest Distribution Center; he remained a member of the board of directors and executive committee of the company until his death; and

Whereas, His civic and business leadership will be greatly missed in the Dallas-Highland Park area, as well as statewide, and the Senate of the State of Texas wishes to pay tribute to this outstanding citizen; now therefore, be it

Resolved, by the Senate of the 59th Legislature, That this Resolution be adopted in token of the respect and honor held by this Body for Gus K. Weatherred; and be it further

Resolved, That the Senate extends sincere sympathy to his wife, Mrs. Weatherred; to his daughter, Miss Mary Nell Weatherred; to his brother, General Preston A. Weatherred; and his sister, Mrs. Lillian W. Johnson, for their great loss; and be it further

Resolved, That copies of this Resolution under the Seal of the Senate of Texas be prepared for the members of the Weatherred family, and that when the Senate adjourns this day it do so in memory of Gus K. Weatherred.

PARKHOUSE

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Blanchard, Calhoun, Cole, Colson, Creighton, Crump, Dies, Hall, Hardeman, Harrington, Hazlewood, Herring, Hightower, Kazen, Kennard, Krueger, Moore, Patman, Ratliff, Reagan, Richter, Rogers, Schwartz, Snelson, Spears, Strong, Watson, Word.

The resolution was read.

On motion of Senator Aikin and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then unanimously adopted by a rising vote of the Senate.